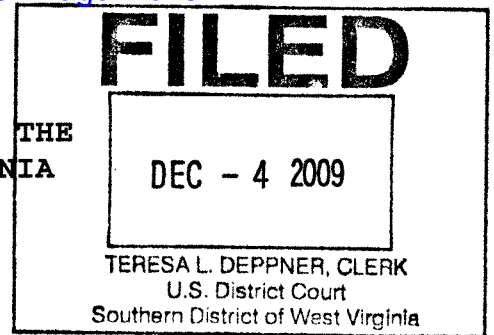


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00271
26 U.S.C. § 7201
18 U.S.C. § 1341

CLARK A. DIEHL

I N F O R M A T I O N

The United States Attorney charges:

COUNT ONE

Income Tax Evasion

On or about the 26th day of January, 2006, within the Southern District of West Virginia, defendant CLARK A. DIEHL, a resident of Charleston, Kanawha County, West Virginia, did willfully attempt to evade and defeat a large part of the income tax due and owing by him to the United States of America for the calendar year 2002, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service, wherein he stated that his taxable income for the calendar year 2002 was the sum of \$32,651 and that the amount of tax due and owing thereon was the sum of \$408, whereas, as he then and there well knew and believed, his taxable income for the said calendar year was the sum of approximately \$96,000 upon which said

taxable income there was owing to the United States of America income tax of approximately \$19,000.

In violation of Title 26, United States Code, Section 7201.

COUNT TWO

Mail Fraud

Introduction

At all relevant times:

1. Defendant CLARK A. DIEHL owned and operated Wallpapers in Stock, Inc., a business located in Charleston, Kanawha County, West Virginia.

2. Through Wallpapers in Stock defendant DIEHL sold and installed home and business furnishings, including furniture, fixtures, window treatments, window shades, and wallpaper.

3. Among the customers of Wallpapers in Stock was the State of West Virginia.

4. State of West Virginia agencies were, with limited exceptions, required to get competitive bids when purchasing materials and labor for amounts greater than \$1,000.00.

Background

5. In and about the summer and fall of 2005 defendant DIEHL agreed to provide goods and services, that is, to provide and install wallpaper, fabric, window shades, and other materials for window treatments, to the State of West Virginia.

6. In and about the summer and fall of 2005 defendant DIEHL provided and installed that wallpaper and those window treatments without first providing a bid or estimate of the cost of that work.

7. In or about the fall of 2005 defendant DIEHL submitted to

the State of West Virginia three separate written invoices from Wallpapers in Stock for work he did.

8. In or about the fall and winter of 2005 defendant DIEHL learned that the invoices would not be paid because the goods and services were not provided in accordance with the State of West Virginia's competitive bidding requirements.

The Scheme

9. From approximately in or about the fall and winter of 2005 until approximately April 18, 2006, at or near Charleston, Kanawha County, West Virginia, and elsewhere within the Southern District of West Virginia, defendant CLARK A. DIEHL did devise and intend to devise a scheme to defraud, which involved misrepresentation and concealment of material fact, that is, to defraud the State of West Virginia.

Purpose of the Scheme

10. It was a purpose of defendant DIEHL in this scheme to obtain payment of the invoices despite the fact that the State of West Virginia's competitive bidding requirements had not been followed.

Manners and Means

11. Defendant DIEHL carried out this scheme through the following and other manners and means:

a. It was a part of this scheme that after defendant DIEHL learned that the invoices would not be paid because the goods and

services were not provided in accordance with the State of West Virginia's competitive bidding requirements, he would and did create and submit four written bids from each of two purported competing companies, for amounts of money greater than the amounts in the invoices he had already submitted, in order to make it falsely appear that the State of West Virginia had obtained the legally required competing bids and that Wallpapers in Stock had been the lowest responsible bidder.

Use of the Mails

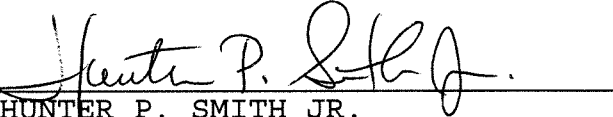
13. In or about April 2006, at or near Charleston, Kanawha County, West Virginia, and elsewhere within the Southern District of West Virginia, for the purposes of executing this scheme and attempting so to do, defendant CLARK A. DIEHL did knowingly cause to be placed in a post office and authorized depository for mail matter a matter and thing to be sent and delivered by the Postal Service, that is, a warrant dated April 18, 2006, in the amount of \$29,732.07.

In violation of 18, United States Code, Section 1341.

UNITED STATES OF AMERICA

CHARLES T. MILLER
United States Attorney

By:


HUNTER P. SMITH JR.
Assistant United States Attorney